

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

ERIC DILWORTH

PLAINTIFF

V.

CIVIL ACTION NO. 1:17-CV-63-SA-DAS

TISHOMINGO COUNTY SHERIFF'S
DEPARTMENT and SCRIBD.COM

DEFENDANTS

ORDER

On November 28, 2017 the Magistrate Judge assigned to this case entered his report and recommendation that the complaint in this action be dismissed as to both defendants named in the original complaint—the Tishomingo County Sheriff's Department and Scribd.com. On February 8, 2018, after considering the Plaintiff's objections to the report and recommendation, the Court entered an Order adopting the report and recommendation in part. The Order allowed the Plaintiff the opportunity to amend his complaint to name the appropriate Tishomingo County entity because the Tishomingo County Sheriff's Department is not a suable entity.

The Plaintiff timely filed an amended complaint naming Tishomingo County, Mississippi as a defendant. The Court finds that process should issue to this Defendant. The Plaintiff's amended complaint also names Scribd.com as a Defendant in this action. The Court adopted that portion of the Magistrate Judge's report that recommended that the complaint be dismissed as to this Defendant.

IT IS ORDERED as follows:

1. Having failed to state a claim against Scribd.com in the original or amended complaint, the defendant Scribd.com is hereby dismissed from this action.
2. Process shall issue to the defendant Tishomingo County and be served by the U.S. Marshal.

3. That the style of this case shall be amended to reflect that the sole defendant in this action is Tishomingo County, Mississippi.

SO ORDERED this the 4th day of June, 2018.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE